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HOUSE BILL 275

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO COURTS; CREATING THE DONA ANA COUNTY METROPOLITAN COURT; ALLOWING CERTAIN MUNICIPALITIES TO OPT OUT OF METROPOLITAN COURT JURISDICTION FOR CERTAIN TYPES OF ACTIONS; PROVIDING FOR THE CREATION OF A MEDIATION FUND AND A WARRANT ENFORCEMENT FUND BY A METROPOLITAN COURT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 34, Article 8A NMSA 1978 is enacted to read:

"[NEW MATERIAL] METROPOLITAN COURT--DONA ANA DISTRICT.--

A. The name of the metropolitan court in the Dona Ana metropolitan district is "Dona Ana county metropolitan court".

B. There shall be eight judges of the Dona Ana

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1 county metropolitan court."

2 Section 2. A new section of Chapter 34, Article 8A NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] METROPOLITAN COURT--PERSONNEL.-- A
5 metropolitan court is an agency of the judicial branch of state
6 government, and personnel of the court are subject to all laws
7 and rules applicable to state agencies, officers and employees,
8 except where otherwise specifically provided by law."

9 Section 3. Section 34-8A-3 NMSA 1978 (being Laws 1979,
10 Chapter 346, Section 3, as amended) is amended to read:

11 "34-8A-3. METROPOLITAN COURT--JURISDICTION.--

12 A. In addition to the jurisdiction provided by law
13 for magistrate courts, a metropolitan court shall have
14 jurisdiction within the county boundaries over all:

15 (1) offenses and complaints pursuant to
16 ordinances of the county and of a municipality located within
17 the county in which the court is located, except municipalities
18 with a population of more than two thousand five hundred but
19 [~~less~~] fewer than five thousand persons in the 1980 federal
20 decennial census and municipalities with a population of fewer
21 than fifteen thousand persons in the last federal decennial
22 census that choose not to be included within the jurisdiction
23 of the metropolitan court; provided that the metropolitan court
24 shall not have jurisdiction over uncontested municipal parking
25 violations;

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1 (2) civil actions in which the debt or sum
2 claimed does not exceed ten thousand dollars (\$10,000),
3 exclusive of interest and costs; and

4 (3) contested violations of parking or
5 operation of vehicle rules promulgated by a board of regents of
6 a state educational institution designated in Article 12,
7 Section 11 of the constitution of New Mexico located within the
8 county in which the court is located.

9 B. For the purposes of this section, "uncontested
10 violation" is a violation for which a citation has been issued
11 and the person has paid the citation by mail or in person to
12 the appropriate issuing authority; and "contested violation" is
13 a violation for which a citation has been issued and the person
14 has indicated [~~his~~] the intent to contest the citation or the
15 person has not paid or answered the citation.

16 C. The issuing authority shall provide to the
17 metropolitan court on a mutually agreed schedule the unpaid
18 citations and a listing in a manner mutually agreed upon of
19 unpaid citations.

20 D. The municipality shall retain as reimbursement
21 for its expenses all revenues from uncontested municipal
22 parking violations."

23 Section 4. Section 34-8A-8 NMSA 1978 (being Laws 1979,
24 Chapter 346, Section 8, as amended) is amended to read:

25 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

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1 A. The name of the metropolitan court in the
2 Bernalillo metropolitan district shall be the "Bernalillo
3 county metropolitan court".

4 ~~[B. The metropolitan court is an agency of the~~
5 ~~judicial department of state government. Personnel of the~~
6 ~~metropolitan court are subject to all laws and regulations~~
7 ~~applicable to state officers and agencies and state officers~~
8 ~~and employees, except where otherwise specifically provided by~~
9 ~~law.~~

10 ~~G.]~~ B. There shall be nineteen judges of the
11 Bernalillo county metropolitan court."

12 Section 5. Section 34-8A-10 NMSA 1978 (being Laws 1986,
13 Chapter 16, Section 1, as amended) is amended to read:

14 "34-8A-10. METROPOLITAN COURT MEDIATION FUND CREATED--
15 ADMINISTRATION--~~[DISTRIBUTION]~~ PURPOSE.--

16 A. ~~[There is created in the state treasury the~~
17 ~~"metropolitan court mediation fund" to be administered by the~~
18 ~~Bernalillo county metropolitan court.]~~ A metropolitan court
19 shall create in the state treasury and shall administer a
20 "metropolitan court mediation fund" of that metropolitan court
21 district.

22 B. All balances in [~~the~~] a metropolitan court
23 mediation fund are appropriated to [~~the Bernalillo county~~] that
24 district's metropolitan court [~~for payment to metropolitan~~
25 ~~courts~~] for the purpose of funding and administering voluntary

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1 mediation programs established by court rule for the efficient
2 disposition of small claims and specified criminal complaints.
3 ~~[Payments shall be made upon certification by the metropolitan~~
4 ~~courts of eligible amounts as provided in Subsection C of this~~
5 ~~section.~~

6 ~~C. Each metropolitan court shall be eligible for a~~
7 ~~payment in an amount equal to the]~~

8 C. Mediation fees collected by ~~[that]~~ a
9 metropolitan court [and] shall be deposited in [the] that
10 court's metropolitan court mediation fund.

11 D. Payments from ~~[the]~~ a metropolitan court
12 mediation fund shall be made upon vouchers issued and signed by
13 the ~~[Bernalillo county]~~ metropolitan court administrator upon
14 warrants drawn by the secretary of finance and administration."

15 Section 6. Section 34-8A-12 NMSA 1978 (being Laws 1993,
16 Chapter 261, Section 5) is amended to read:

17 "34-8A-12. METROPOLITAN COURT WARRANT ENFORCEMENT
18 FUND--FEE--ADMINISTRATION--[USE OF MONEY IN FUND] PURPOSE.--

19 A. ~~[There is created in the state treasury the~~
20 ~~"metropolitan court warrant enforcement fund" to be~~
21 ~~administered by the Bernalillo county metropolitan court.] A~~
22 metropolitan court shall create in the state treasury and shall
23 administer a "metropolitan court warrant enforcement fund" of
24 that metropolitan court district.

25 B. Upon issuance of a bench warrant, ~~[the~~

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1 ~~Bernalillo county~~ a metropolitan court shall assess an
2 administrative fee of one hundred dollars (\$100) against the
3 individual whose arrest is commanded by the bench warrant.
4 Money collected pursuant to the fee assessment authorized by
5 this subsection shall be deposited in ~~[the]~~ that court's
6 metropolitan court warrant enforcement fund.

7 C. All balances in ~~[the]~~ a metropolitan court
8 warrant enforcement fund are appropriated to ~~[the Bernalillo~~
9 ~~county]~~ that district's metropolitan court for the primary
10 purpose of employing personnel and purchasing equipment and
11 services to aid in the collection of fines, fees or costs owed
12 to ~~[the Bernalillo county]~~ that metropolitan court. After
13 satisfaction of the primary purpose, any money remaining in the
14 fund may, to the extent deemed necessary by the court, be used
15 for the secondary purpose of partially reimbursing law
16 enforcement agencies for the expense of serving bench warrants
17 issued by the court, pursuant to an intergovernmental agreement
18 entered into between the law enforcement agency and the court.

19 D. Payments from ~~[the]~~ a metropolitan court warrant
20 enforcement fund shall be made upon warrants drawn by the
21 secretary of finance and administration pursuant to vouchers
22 issued and signed by the ~~[Bernalillo county]~~ metropolitan court
23 administrator.

24 E. Any balance remaining in ~~[the]~~ a metropolitan
25 court warrant enforcement fund at the end of a fiscal year

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1 shall not revert to the state general fund."

2 Section 7. Section 34-8A-13 NMSA 1978 (being Laws 1993,
3 Chapter 261, Section 6) is amended to read:

4 "34-8A-13. COLLECTION OF FINES, FEES OR COSTS.--A
5 judgment and sentence issued by [~~the Bernalillo county~~] a
6 metropolitan court that includes an assessment of fines, fees
7 or costs shall constitute a money judgment that may be enforced
8 in the same manner as a civil judgment in the district court.
9 The money judgment may be assigned by the court to a public or
10 private agency or business for collection purposes, pursuant to
11 the terms and conditions of a written agreement entered into by
12 the court and the agency or business."

13 Section 8. TEMPORARY PROVISION--DONA ANA METROPOLITAN
14 COURT JUDGES.--The magistrates of the Dona Ana magistrate
15 district and the judges of a municipality within Dona Ana
16 county with a population of more than fifty thousand persons in
17 the last federal decennial census shall continue to hold their
18 offices as metropolitan judges of the Dona Ana county
19 metropolitan court for the balance of the terms for which they
20 were elected or appointed. Thereafter, Dona Ana county
21 metropolitan court judges shall be elected and appointed as
22 provided by the laws and constitution of New Mexico for
23 metropolitan court judges.

24 Section 9. APPROPRIATION.--Five million dollars
25 (\$5,000,000) is appropriated from the general fund to the

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1 administrative office of the courts for expenditure in fiscal
2 year 2010 for salaries and benefits and furniture, supplies and
3 equipment for metropolitan court judges, support staff and
4 administrative staff and for lease of a building and other
5 costs of transition for the Dona Ana county metropolitan court.
6 Any unexpended or unencumbered balance remaining at the end of
7 fiscal year 2010 shall revert to the general fund.

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